



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

December 26, 2006



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Halfway Plan Amendment
DLCD File Number 001-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 8, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Darren Nichols, DLCD Regional Representative
Spring Bartlett, City of Halfway

<paa> ya/

2 Notice of Adoption

DEPT OF

DEC 20 2006

LAND CONSERVATION AND DEVELOPMENT

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

For DLCD Use Only

Jurisdiction: City of Halfway Local file number: _____

Date of Adoption: 12/14/06 Date Mailed: 12/18/06

Date original Notice of Proposed Amendment was mailed to DLCD: 9/19/06

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

An ordinance amending the zoning map of the City of Halfway; rezoning lots 501 + 600 from R to CR.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

Same
with attached condition of Approval:

The highway 414 driveway be Abandoned until AN ACCESS permit is received from ODOT.

Plan Map Changed from: R to: CR

Zone Map Changed from: R to: CR

Location: Lot 501 + lot 600 Acres Involved: 8.88

Specify Density: Previous: - New: _____

Applicable Statewide Planning Goals: -

Was and Exception Adopted? YES NO

DLCD File No.: 001-06 (15570)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

ODOT State Hwy 414

Local Contact: Spring Bartlett Phone: (541) 742-4741 Extension: _____

Address: PO Box 738 City: Halfway

Zip Code + 4: 97834 - Email Address: bishopsping@hotmail.com

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

COPY

ORDINANCE 10-18

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF HALFWAY;
REZONING LOTS, 501 AND 600 FROM RESIDENTIAL ZONE TO
COMMERCIAL/RESIDENTIAL ZONE.

THE CITY OF HALFWAY ORDAINS AS FOLLOWS:

SECTION 1. The zoning map will be amended by rezoning the entire lots 501 and 600, located at 140A and 140B Fairgrounds Road, Assessor's Map 08S-46E-16, from Residential Zone to Commercial/Residential Zone.

EXHIBIT A. Tax assessors map showing location of lots.

EXHIBIT B. The zoning map. Rezoned portion is outlined in red.

EXHIBIT C. Legal Description and tax account number.

READ for the first time in full this 14^h day of December 2006.

READ for the second time by title only this 14^h day of December 2006, upon unanimous vote of the members of the Council present, after the text of the ordinance was offered to the members of the Council, and for the use during the meeting, of the press and public attending.

PASSES by the City Council of the City of Halfway, Oregon this 14th day of December 2006, and

APPROVED by the Mayor of the City of Halfway, Oregon, this 14th day of December 2006.

APPROVED: _____

Gordon Kaesemeyer
Mayor, City of Halfway

ATTEST: _____

Diana Glynn, City Recorder

DATE: _____

12-14-06

CONDITIONS OF APPROVAL

Condition #1:

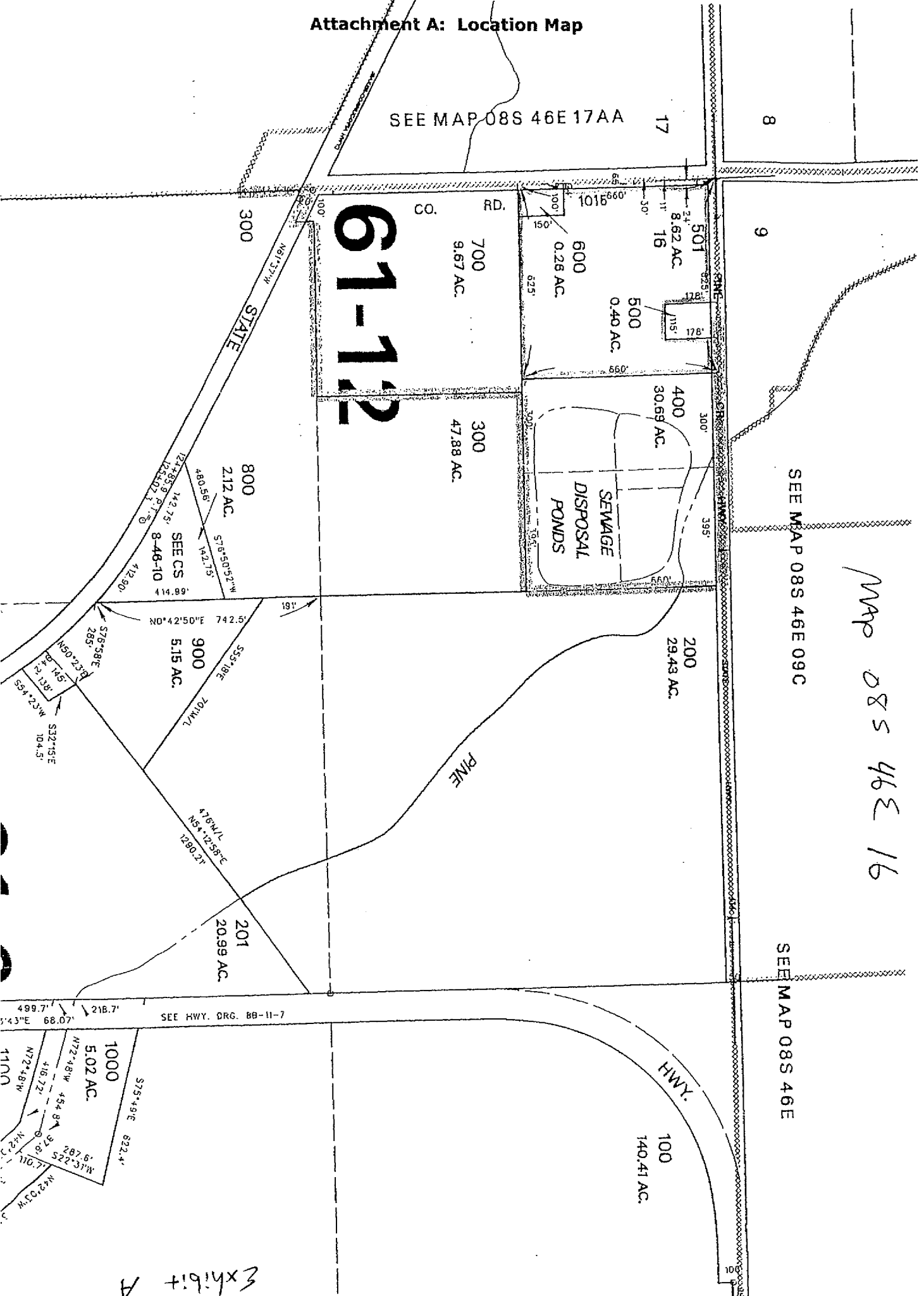
The Highway 414 driveway must be abandoned until an access permit is received from ODOT.

Attachment A: Location Map

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

BAKER COUNTY

1" = 400'



Map 08S 46E 16

SEE MAP 08S 46E 09C

SEE MAP 08S 46E

Exhibit A

CITY OF HALFWAY

EXHIBIT 1

IN SECTIONS 8 AND 17, TWP. 8 SOUTH, RANGE 46 EAST, W.M.

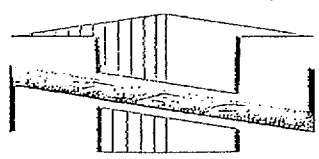
BAKER COUNTY, OREGON

MAY, 2005




0' 200' 400' 600' 1200'

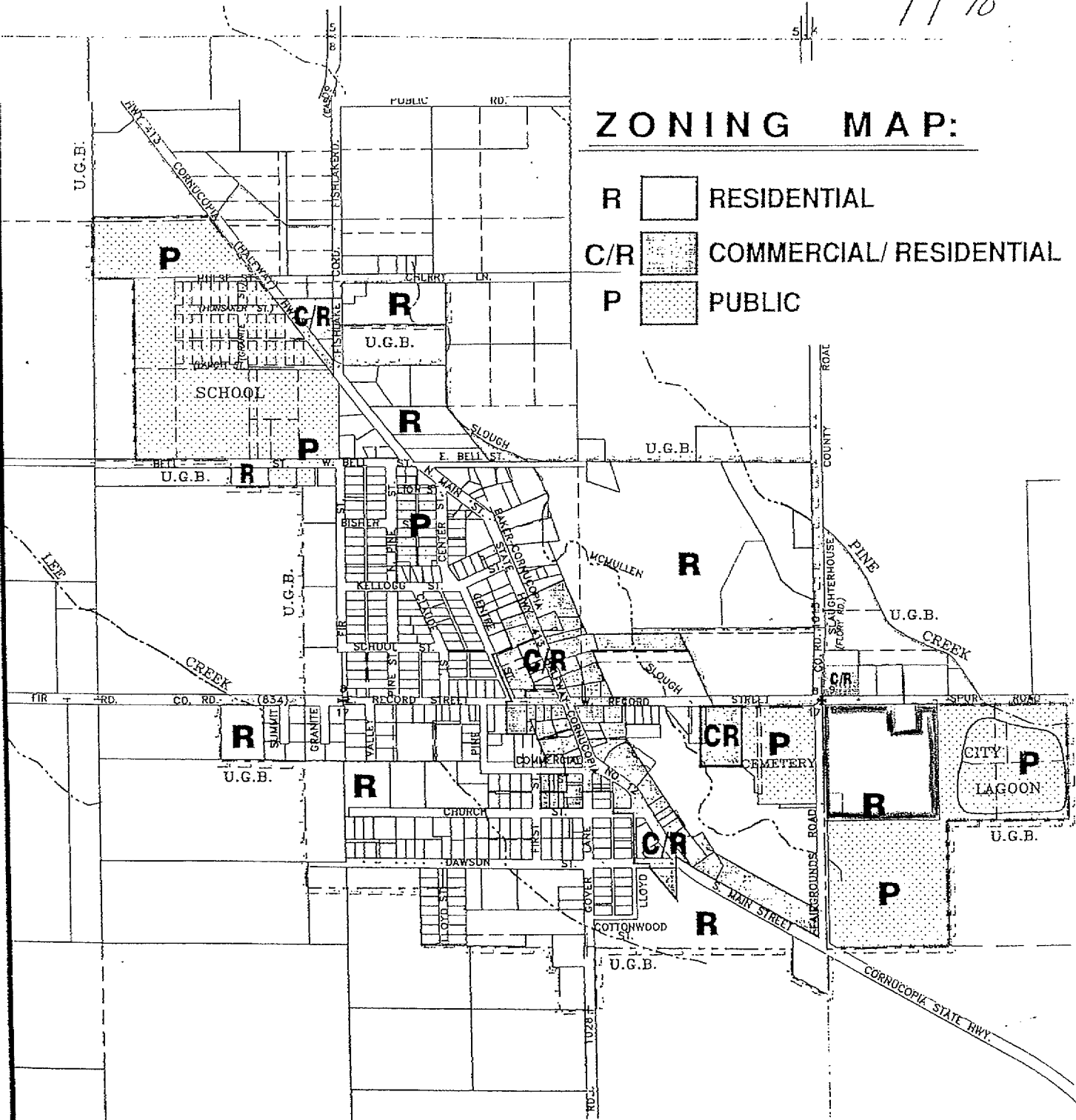
SCALE IN FEET

77%





ZONING MAP:

- R  RESIDENTIAL
- C/R  COMMERCIAL/ RESIDENTIAL
- P  PUBLIC



LEGEND:

-  CITY LIMITS LINE
-  URBAN GROWTH BOUNDARY

ATTACHMENT "B"



TENNESON ENGINEERING CORP.

409 LINCOLN STREET
THE DALLES, OREGON 97058

PH. 541-296-9177 FAX 541-296-6657

K:\ACAD\CITY\HALFWAY.DWG

COPY

LEGAL DESCRIPTION AND TAX ACCOUNT NUMBER
Michael A. Becker
Application for Zone Change

The following is the Legal Description and Tax Account Numbers for 8.88 acres of land located in Section 08 of Township ST 46 E., Range 16 E. WM, Tax Lot 501 and 600.

Legal Description for Section 08, Township 46 E, Range 16 E WM Tax Lot 501

Tax ID #
16662

A tract of land in the Northwest quarter of the Northwest quarter of Section 16, Township 8 South, Range 46 East of the Willamette Meridian, in the county of Baker and State of Oregon, more particularly described as follows:

Commencing at the Northwest corner of said Section 16,

Thence South 660 feet;

Thence East 625 feet;

Thence North 660 feet;

Thence West 115 feet;

Thence South 178 feet

Thence West 115 feet;

Thence North 178 feet;

Thence West to the place of beginning.

EXCEPTING THEREFROM the following described tract:

Beginning at the Southwest corner of said above described lands;

Thence North 150 feet;

Thence East 100 feet;

Thence South 150 feet;

Thence West 100 feet to the place of beginning.

FURTHER EXCEPTING that portion conveyed to Baker County by deeds recorded July 30, 1973, in Deeds 73 31 012 and Deeds 73 31 013.

Legal Description for Section 08, Township 46 E, Range 16 E WM Tax Lot 600

Tax ID #
13900

A parcel of land lying to the South 150 feet of the West 100 feet of the West 625 feet of the N1/2 NW1/4 NW1/4 of Section 16, T. 8 S., R. 46 E., W.M., being 60 feet wide, 30 feet on each side of the following described center line:

Beginning 25 feet South and 11 feet West of the Northwest corner of the said Section 16; thence S. 0 degrees 06' 10" W., 1,265.5 feet to the Northerly right of way line of the Baker-Cornucopia highway, at a point which is 1290.2 feet South and 13.3 feet West of the said section corner.

For the purpose of this description the bearing of the line between the said section corner and the quarter corner between Sections 16 and 17 is South.

The parcel to which this description applies contains .041 acre of land, all of which lies within an existing road right of way.



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

District 13

3014 Island Avenue

La Grande, OR 97850

(541) 963-8406

FAX (541) 963-0249

October 20, 2006

Spring Bartlett, Deputy Recorder
City of Halfway
155B E. Record Street, PO Box 738
Halfway, Oregon 97834

COPY

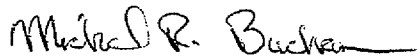
10-23-06 JS
EAM

Re: Application of Mike Becker for a zoning map amendment for Tax Lots 501 and 600

Dear Ms. Bartlett:

Thank you for involving the Oregon Department of Transportation (ODOT) in this proposed zoning map amendment and conditional use request and for providing an opportunity to comment in this process. It is ODOT's position that Tax Lots 501 and 600 be accessed by Fairgrounds Road with no direct access to Pine Creek Highway. The approach that currently provides access to Tax Lot 501 from Pine Creek Highway is not permitted and should be relocated to Fairgrounds Road as a condition of the plan amendment approval.

Thank you again for the opportunity to review and comment on this proposal. Please enter this letter into the record of the proceedings. Also, please provide me with a copy of the decision.


Michael R. Buchanan
District 13 Manager

MRB:lmh

Cc: Tom Kuhlman, Region 5 Traffic Engineer
Lisa Hulse, District 13 Permit Specialist
Cheryl Jarvis-Smith, Region Planner

November 9, 2006

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The Regular Meeting of the City Council, City of Halfway, was called to order at 7 P.M. by Mayor Gordon Kaesemeyer, with the Pledge of Allegiance. Council present: Marion Crow, Francis Gulick, Bob Strom, Eric Kauffman. Council absent: Alan Hanley, Randy Simrell. Also present: citizens, Hells Canyon Arena owner Michael Becker, Pine Valley Cemetery Caretaker Phil Brown, Hells Canyon Journal Reporter Sue Forrester, Public Works Director Page Frederickson, Deputy Recorder Spring Bartlett and Recorder Treasurer Diana Glynn.

The Minutes of the last Regular Meeting and a Special Meeting, held October 13th and 26th, 2006 respectively, were reviewed. Kauffman moved the minutes be approved as written. Strom seconded the motion. Yea votes: Gulick, Crow, Strom, Kauffman, Kaesemeyer; nay votes: none. Motion passed unanimously.

The Public Works Director's Report was reviewed. There were no comments or questions regarding the report.

The Accounts Payable was presented. Kauffman moved the Accounts, in the amount of \$11,621.09, be paid. Strom seconded the motion. Yea votes: Gulick, Crow, Strom, Kauffman, Kaesemeyer; nay votes: none. Motion passed unanimously.

Because of an overly heavy Agenda, it was decided some items needed to be moved forward on the agenda in order to afford persons from out of town better travel time.

There was a letter from Pine Valley Cemetery Maintenance District Chairman Bill Moody, regarding an overly high water bill of \$135.37. He explained they only used the water to prime the well pump for their irrigation system. They have checked for leaks but none were obvious. The District asked for forgiveness of overage on the last two high bills. Possible causes were discussed and the history of usage for the account was reviewed. After brief discussion it was decided to table the matter until Mayor could research the matter more thoroughly and Caretaker Phil

Brown was advised the payment of the bills should wait until matter was resolved.

There were two Land Use issues - application for a Zone Change and a Conditional Use for the new zone.

The Hearing on the Zone Change was opened at 7:25 P.M.:

A staff report was presented by Planning Advisor Bartlett: application from Brian Cole, acting on behalf of property owner Michael Becker, for a zone change from Residential to Commercial/Residential for the property known as Hells Canyon Arena. Land area of 8.88 acres comprised of Lots 501 and 600, assessor's map 08S 46E 16. Owner plans to continue the use of the property for horse and livestock sporting activities, practices, competition and other related events, including use for housing and showing of animals during the Baker County Fair, Halfway. Criteria and findings were presented: A letter from ODOT noted the use of an access onto State Highway 414 without a state access permit. ODOT's stated position that lots 501 & 600 be accessed from Fairgrounds Road. All other criteria seemed in order and Conditional Use Permit for new zoned has been applied for. Recommendation that Council approve the zone change with condition the owner abandon the driveway onto Highway 414 and use the one onto Fairgrounds Road.

Owner Michael Becker stated his plan to continue to use the property as it has been with the fair and with other public uses. He stated he has spoken with ODOT about receiving an access permit and learned there shouldn't be any problem. He presented color overhead photos, explaining the layout of the property and the need for access on both the highway and street for efficient parking and also handling of emergencies.

There were no comments, spoken or written, from property owners located within 100 feet of the property.

The Zone Change Hearing was closed.

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There were neither Council comment nor deliberation. Strom moved the application for Zone Change be approved with the stipulation that highway driveway be abandoned until an access permit is received from ODOT. Crow seconded the motion. Yea votes: Gulick, Crow, Strom, Kauffman, Kaesemeyer; nay votes: none. Motion passed unanimously.

The Hearing on the Conditional Use was opened at 7:40 P.M.:

The staff report was presented by Planning Advisor Spring Bartlett: application was received from Brian Cole, acting on behalf of property Michael Becker, for Conditional Use on property known as Hells Canyon Arena, 8.88 acres consisting of Lots 501 and 600,S assessor's Map 08S 46E 16. Property is located within the City limits in a Commercial/Residential Zone. Property zoned Public is located adjacent to the East, South & West, and Residential and Commercial/Residential on the North. Owner/Applicant plans on continuing the current use of the property for horse and livestock sporting activities, practices, competitions, and related events. Types of Conditional Uses being requested under Section 3.2 are:

(C) Retail trade and service establishments in which some activities take place in and enclosed building.

(E) Commercial amusement.

Criteria and findings were presented: criteria for Quasi-judicial hearing has been met; proposed change conforms with the Comprehensive Plan of the City of Halfway; public need is best served by zone change and was provided in the Zone Change; the intended use conforms with conditional uses permitted in Section 3.2(2)(C) Retail and service establishment and (E) Commercial Amusement, of City's Comprehensive Plan. Parking requirements will need to be addressed. Conformance with the City's Transformation Plan, which recommends a bike-lane on both sides of Fairgrounds Road may be a consideration. The additional paving has already been done to accommodate this. Only striping the paths is needed. Recommendation was to issue a Conditional Use Permit for the uses as cited with the conditions that the owner agrees to be responsible for striping of a bike path on the East side

of Fairgrounds Road adjacent to the property; submit to the City Council a written plan and plat map of how they intend to accommodate the parking requirements of the estimated 500 spaces, based on the size of the building and showing a written agreement with another property owner to provide any additionally necessary over-flow parking. Planner suggested amending the Transportation Plan by reclassifying Fairgrounds Road as a Collector, as it fits this definition since the zone change.

Michael Becker, owner/applicant, testified, stating he did not feel a bike path is needed on just one side of street and just the length of his property. This would still leave striping the remainder of the East side adjacent to the Fairgrounds and all of the West side adjacent to the Pine Valley Cemetery and Ralls property. Having the bike lane on both sides also restricts parking for applicant, cemetery and fairgrounds. He presented aerial photos of his property and the fairgrounds taken during fair time. He feels the pictures show plenty of adequate parking around the buildings for large events, as well as a byway along the South and East boundaries, from Fairgrounds Road to Highway 414 for emergency use and efficient inflow and outflow of parking traffic. He stressed that he has worked with the Fairboard at fair time for parking and use of the pavilion building and plans on continuing to cooperate with them. He noted on the photos an area behind the pavilion building designated for animal waste collection. Citizens of the community have been collecting the waste and using it for their gardens and flowerbeds. He also noted on the photos, a kitchen addition onto the Grange building that infringed on his property, but he is planning to deed this area to them. The property was purchased and the pavilion built for use by the public and he intends to see that they continue to be used in a manner benefiting the public and the community.

The Hearing was closed.

Crow expressed opinion that 500 vehicles could easily be parked in the pasture on the North side of the pavilion building. Strom asked about paving and marking parking areas. Mayor mentioned that City has right to waive surfacing and recommend alternate surface.

Strom asked about street being closed for recent concert. Mayor explained that city closed the street at the request of the concert presenters to facilitate traffic control.

Kauffman believed parking requirements were adequate. Established businesses existed without adequate parking.

There was discussion regarding designated parking area, prohibiting building on parking area, requiring plat map of parking and all access and egress drives, stipulating review of conditional use permit periodically, making any new owners aware of restrictions. Council was assured by applicant that new owners would be made aware of all conditions. Suggestion was made to include containment of waste in specified area and state length of time allowed on property before removal is necessary. Bartlett mentioned that City's Animal Control Ordinance addressed odor from animals kept within the city limits. Crow informed Council that the waste from show hogs was washed to the city wastewater system. Question was asked if this could harm the city system and Frederickson was asked to look in to the matter.

Crow moved the conditional use permit be granted stating that surrounding area around the pavilion be designated for parking; the permit be reviewed in three years; animal waste be taken care of properly; and any building must be approved by the City Council. Gulick seconded the motion. Yea votes: Gulick, Crow, Strom, Kauffman, Kaesemeyer; nay votes: none. Motion passed unanimously.

Correspondence:

- Received letter from DEQ regarding the addendum to the City's Reclaimed Water Use Plan, as prepared by Anderson-Perry & Assoc., proposing 5-day waiting period before grazing or harvest. DEQ approved the plan with some conditions, one of which is a public comment period.

- Letter from Dept. of State Lands regarding removal of gravel from Pine Creek, above, below and under the bridge located near the City Wastewater Treatment Plant. After a period of time and \$225 sent by the city, the permit should be received.
- From state informing of availability of Transportation & Growth Management Program grants.
- Email from citizen Louise Raven wanting removal of Stop sign at intersection of N. Pine and Kellogg Streets and expressing opinion that speed bumps would slow traffic better, especially if placed in front of her house on N. Pine Street. Council agreed speed bumps not feasible because of snow plowing. Mayor will check with Deputy about monitoring obedience of stop sign.
- Mayor announced City had received \$4,270.68 from County Emergency to assist in paying for the cost incurred by the city for the flood prevention work done in May. With a generous, anonymous donation from a private citizen, the cost invoices from C&T Excavation and Gulick Construction for the work performed has been paid.
- Written notification to City of Halfway from Charter Communication of their intention to terminate operations of their cable distribution system with the City, effective November 30, 2006.
- Oregon Association of Water Utilities (OAWU) Membership certificate was received.
- Mayor informed Council that City had notified Anthony DeiCurto, by letter, that he was in default on the Commercial Lease Contract. Seven days later he was sent a letter that the lease would be terminated in 30 days - November 30, 2006.